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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,743

03/24/2004

John Armstrong

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EXAMINER

CHEEMA, UMAR

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,743	<b>Applicant(s)</b> ARMSTRONG ET AL.	
	<b>Examiner</b> UMAR CHEEMA	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is response to the Amendment filed on 03/17/2009. Claims 1, 3, 5-8, and 11-13 are pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to 1, 3, 5-8, and 11-13 have been considered but are not persuasive. Applicant argues that Gecht US Patent No. 6,859,832 was not invented "by another" as required by 35 U.S.C 102(e) and therefore by submitting an affidavit under 37 CFR 1.131 from the assignee of the application, declaring that the claims pending in the instant application and the claims issued in Gecht were invented by the same inventor. As for Applicant's argument goes, In order for an affidavit under 37 CFR 1.131 to establish invention to the effective date of a reference, the showing of facts must establish reduction to practice prior to the effective date of the reference or conception of the invention prior to the effective date of the reference coupled to said date to a subsequence reduction to practice or to filing of the application. In the instant case Applicant has not invented to provide evidence that demonstrate reduction to practice before the filing of Gecht et al. (Feb. 22, 2005). Furthermore, Applicant is advised that proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose (see MPEP 715.07(111)).

3. Thus, Applicant has failed to demonstrate reduction to practice of the claimed invention prior to February 22, 2005, as Applicant has failed to provide any related Exhibits or demonstration that will provide proper reduction to practice. Accordingly,

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Applicant's affidavit under 37 CFR 1.131 has been deemed insufficient to overcome the applied rejection under 35 U.S.C 102(e).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5-8, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gecht et al (Gecht) (US Patent # 6,859,832).
5. Regarding claim 1, Gecht discloses a system for controlling access to a printing environment comprising: a directory server coupled to a third network the directory server (spooling server 50 coupled with global network 110; see figure 1 and the text associated) comprising: a memory (see figure 9 and the text associated; access memory (RAM), optical storage media and any other read/write memory is being used for storing information); and a message processor adapted to register the identification information in a directory table in the memory (see figures 1, 2, 4-5 and the text associated with figures; PIN registration with spooling server 50) at least one printing device coupled to a first network, wherein the first network is configured inside at least one firewall, and wherein the directory server is configured outside the at least one firewall (see figures 1, 2, 4 and the text associated; print driver 14 couple with first LAN 20 and within firewall & gateway 30 and spooling server is outside the firewall 30); a second network coupled to the first network and the third network (see figures 1, 2, 4 and the text associated; Global network 110 coupled with first and second LANs); a

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means for registering identification information for the at least one printing device on the directory server, wherein the identification information at least partially comprises availability information and configuration information (see figures 1, 2, 4-5, 9 and the text associated, registration with spooling server 50 and list be available with regards to printing information); at least one client device coupled to the first network (see figure 1 and the details associated; client device 12 coupled to first LAN 20); a means for sending a request to the directory server from the at least one client device comprising an availability inquiry about the availability of an at least one printing device (see figures 1, 2, 3, 4-5 and associated text; sending request from client device 12 to spooling server 50); a means for processing the request and issuing a reply message to the at least one client device, wherein the reply, message comprises all the configuration information necessary for the client device to configure the at least one printer to print files from the at least one client device (see figures 1, 2, 3, 4-5, 9-10 and associated text; responding to polling request with detail information); and a means for configuring the at least one printer to print at least one file from the at least one client device (see figure 1 and associated text; application 15 being send to the printer polling device 100 for printing).

6. Regarding claim 2, (Cancelled).

7. Regarding claim 3, Gecht disclose the system of claim 1, wherein the at least one printing device is selected from among an inkjet printer, a laser printer, a wide format printer, and a dot matrix printer (col. 4, line 61-col. 5, line 9; different types of devices).

8. Regarding claim 4, (Cancelled).

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9. Regarding claim 5, Gecht discloses the system of claim 1, wherein the network device further comprises a network connection for coupling to the first network (see figures 1, 2, 4 and text associated; first LAN network connection 20).

10. Regarding claim 6, Gecht discloses the system of claim 1, wherein the first network comprises a local area network (see figures 1, 2, 4 and text associated; first LAN network connection 20).

11. Regarding claim 7, Gecht discloses the system of claim 1, wherein the first network comprises a plurality of interconnected networks (see figures 1, 2, 4 and text associated; first LAN network connection 20 and global network 110 and second LAN 80).

12. Regarding claim 8, Gecht discloses the system of claim 1, wherein the second network comprises any of a wide area network, global network, public network, or the Internet (see figures 1, 2, 4 and text associated; first LAN network connection 20 and global network 110 and second LAN 80).

13. Regarding claims 9-10, (Cancelled).

14. Regarding claim 11, Gecht discloses the system of claim 1, wherein the identification information comprises an address (see figures 1, 2, 4, 9-10 and text associated; IP address and devices address).

15. Regarding claim 12, Gecht discloses the system of claim 1, wherein the identification information comprises an address of the network device on the first network (see figures 1, 2, 4, 9-10 and text associated; IP address and devices address).

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16. Regarding claim 13, Gecht discloses the system of claim 1, wherein the first network is coupled to a second network, and the identification information comprises an address of the first network on the second network (see figures 1, 2, 4, 9-10 and text associated; IP address and devices address).

17. Regarding claim 14-24, (Cancelled).

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444